

AN ORDINANCE 100873

AMENDING THE CITY'S SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY PROGRAM POLICY ORDINANCE NO. 100182 BY SPECIFYING PERFORMANCE STANDARDS FOR DESIGN-BUILD CONSTRUCTION PROJECTS, IN ORDER TO PROVIDE CONTRACTING OPPORTUNITIES FOR LOCAL SMALL, MINORITY, WOMEN AND AFRICAN-AMERICAN OWNED BUSINESSES ON DESIGN-BUILD CONSTRUCTION PROJECTS.

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WHEREAS, the Small Business Economic Development Advocacy Program Policy Ordinance No. 100182 (the "SBEDA Ordinance"), passed and approved by City Council on December 16, 2004, specifies performance standards for certain contracts; and

WHEREAS, Design-Build Construction ("Design-Build") is a contracting method where a single firm provides both design and construction services; and

WHEREAS, the typical Design-Build project team consists of an architect, engineer and constructor with selection of the team based on a two-step process; and

WHEREAS, this two-step process involves a request for qualifications ("RFQ"), followed by a request for proposals ("RFP") from a list of respondents narrowed in the RFQ process with the final selection based on the respondent who offers the best value to the City; and

WHEREAS, due to changes in state law, the City of San Antonio has the ability to use the Design-Build contract selection method for specific public works construction projects; and

WHEREAS, the SBEDA Ordinance authorized the establishment of a Public Works Construction Workgroup (the "Workgroup") to advise City staff and City Council on procedures to be used on Design-Build projects; and

WHEREAS, as with most discretionary contract solicitations, City staff typically uses a 100-point evaluation system and includes various categories upon which respondents are scored, such as financial capacity, technical management competence and expertise in a particular field; and

WHEREAS, twenty percent of the scoring is related to compliance with the City's SBEDA Ordinance, however the standard selection and scoring criteria requires modification since the selection process for a Design-Build team is different than the traditional bid contracting process; and

WHEREAS, the Design-Build team involves a variety of disciplines including architects, engineers, project managers and construction prime contractors, subcontractors and suppliers, a fraction of which is assembled during the proposal solicitation period; and

WHEREAS, the majority of team members, namely construction subcontractors, are selected after the City has awarded the contract, thus leaving respondents unable to maximize their efforts to meet the objectives of the SBEDA Ordinance; and

WHEREAS, the Workgroup, supported by staff from the Small Business Outreach Division of the Economic Development Department, convened to review the issue in February and March of 2005; and

WHEREAS, the Workgroup recommends that a narrative form response, rather than the standard Good Faith Effort Plan, would be more effective in determining the potential for compliance with the SBEDA Ordinance objectives in Design-Build projects; and

WHEREAS, the Workgroup also recommends that the 20 points typically reserved for Small Business compliance within the SBEDA Ordinance be allocated as follows for Design-Build project solicitations:

- **Five (5) Points**
 - Respondent's local business status
 - Extent of local business participation at the prime contractor level
- **Five (5) Points**
 - Respondent's previous experience in implementing a similar small business program in public and private sector project
- **Five (5) Points**
 - Respondent's specific narrative plan to provide contracting opportunities to Small, Minority, Women, & African-American Owned Businesses
- **Five (5) Points**
 - Extent of Small, Minority, Women, & African-American Owned Business utilization already identified by respondent; and

WHEREAS, respondents that are awarded a Design-Build contract will be held accountable for the information submitted on their request for proposal response in subsequent phases of the Design-Build project, with the respondent's proposal incorporated into the final agreement with the City as a utilization requirement with all other applicable provisions of the SBEDA Ordinance included as contractual provisions; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council hereby approves the amendment to the Small Business Economic Development Advocacy Program Policy Ordinance No. 100182 (the "SBEDA Ordinance") to specify separate performance standards for Design-Build Construction Projects, all as more particularly described in Section IV, revised paragraphs B, C and D of Attachment B

incorporated herein, to provide for greater contracting opportunities for local Small, Minority, Women and African-American owned businesses.

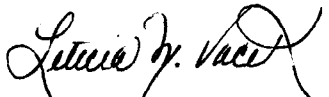
SECTION 2. This ordinance shall be effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 12th day of May, 2005.



M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney